



**EDWARDS LIFESCIENCES CORPORATION
LEGAL DEPARTMENT
ONE EDWARDS WAY
IRVINE CA 92614**

COPY MAILED

OCT 10 2008

OFFICE OF PETITIONS

In re Application of
Salvador MARQUEZ
Application No. 10/811,565
Filed: March 29, 2004
Attorney Docket No. ECV-5783

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

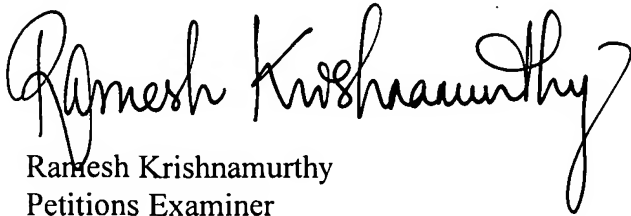
The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 12, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A one (1) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 3738 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Docket No. ECV-5783

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re Application of: Marquez, et al.) Group Art Unit: 3738
Application No.: 10/811,565) Examiner: Christopher D. Prone
Filing Date: March 29, 2004) Customer Number: 30452
10 For: CONTROLLED SEPARATION) Confirmation No.: 1380
HEART VALVE FRAME)

15 Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.137(b) TO REVIVE
20 AN UNINTENTIONALLY ABANDONED APPLICATION

Dear Sir:

Applicants Petition under 37 CFR §1.137(b) for revival of the above-referenced application for unintentionally being allowed to go abandoned.

- 25 1) The reply to the Final Office Action dated October 12, 2007 is a Pre-appeal Brief Request for Review filed concurrently herewith.
- 2) Please charge the petition fee under 37 CFR §1.17(m) of \$1540 to Deposit Account No. 50-1225 (ECV-5783).
- 30 3) The entire delay between response due date from the Final Office Action and today's date was unintentional.
- 4) No Terminal Disclaimer is necessary in this utility case filed after June 7, 1995.

Respectfully submitted,

/Guy Cumberbatch, Reg. No. 36,114/

35 Date: June 27, 2008

Guy Cumberbatch, Reg. No. 36,114
(805) 201-3006
c/o Rajiv Yadav, Ph.D., Esq., Reg. No. 43,999
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Docket No. ECV-5783

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	Alexandria, VA 22313-1450	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Dear Sir:

Responsive to the FINAL Office Action dated October 12, 2007, Applicants request that a pre-appeal conference be convened in the present application.

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This request is in 5 pages or less and accompanies submission of PTO/SB/33 and a Notice of Appeal under 37 CFR §41.31.

A Petition under 37 CFR §1.137 to Revive the present application accompanies this filing.

Docket No. ECV-5783

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NOTICE OF APPEAL UNDER 37 C.F.R. §41.31 FROM THE PRIMARY EXAMINER TO
20 THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

Applicants hereby appeal to the Board Of Patent Appeals And Interferences from the
decision of the primary Examiner dated October 12, 2007.

25 The Commissioner is authorized to charge the required Notice of Appeal fee of \$510 to
Deposit Account No. 50-1225 (Docket No. ECV-5783).

30 Respectfully submitted,

/Guy Cumberbatch, Reg. No. 36,114/

Date: June 27, 2008

35 Guy Cumberbatch, Reg. No. 36,114
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40 Telephone: (949) 250-6801
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Customer No. 30452

Abandoned (No Reply to Final Received).doc

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of . The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). The petition is not accompanied by the required reply.

Approved

10/8/1565